

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

DARNELL ANTHONY JACKSON,

Petitioner,

v.

CASE NO. 5:10cv191-RH/EMT

UNITED STATES OF AMERICA,

Respondent.

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**ORDER OF DISMISSAL**

This case is before the court on the magistrate judge's report and recommendation, ECF No. 39. No objections have been filed.

The recommendation is for dismissal of this case without prejudice based on the petitioner's failure to file an amended petition as required by the order entered on July 23, 2010, ECF No. 35, and failure to respond to the order to show cause why the case should not be dismissed on this basis, ECF No. 38. The petitioner has had more than three months to file an amended petition but has failed to do so. And it is not at all clear, from the original petition, precisely what relief the petitioner seeks, or on what basis. Under these circumstances, dismissal without prejudice is appropriate. If the petitioner decides to pursue his claim—whatever

the claim actually is—he may file a new case. Accordingly,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The clerk must enter judgment stating, "The petition is dismissed without prejudice." The clerk must close the file.

SO ORDERED on October 27, 2010.

s/Robert L. Hinkle  
United States District Judge